

MINUTES

Tennessee Board of Examiners for Land Surveyors

The Tennessee Board of Examiners for Land Surveyors met on April 10-11, 2003 in Room 212 of the Davy Crockett Tower, 500 James Robertson Parkway, 2nd Floor, Nashville, TN.

THURSDAY, APRIL 10, 2003 –

Those present were: K. Max Billingsley, Chairman; Phillip R. Carter, Board Member; Dave B. Gilbert, Public Board Member; Scott Ledford, Staff Attorney; Donna Moulder, Administrative Director for the Board; and Carol Kennedy, Administrative Assistant for the Board.

Attorney Chris Cravens was also present.

Chairman Billingsley called the meeting to order at 9:25 a.m.

JAMES HORTON MATTER -

At the previous meeting, the Board requested a response from James Horton, TLS #1550, regarding an anonymous letter that was received by the Board stating that Mr. Horton has “illegally opened a second office in Morristown, TN.” Chris Cravens, Attorney for Mr. Horton, responded to the Board’s request.

Mr. Cravens asked that he be permitted, on behalf of Mr. Horton, to read into record the first paragraph of his letter, dated April 8, 2003. The following was read by Mr. Billingsley:

“I represent Jimmy E. Horton. In response to the anonymous letter dated February 15, 2003 that received by the Board on February 26, 2003, please be advised that my client has not “illegally opened a second office in Morristown.” Mr. Horton, a registered land surveyor (#1550), is in responsible charge of his Morristown office and is employed full-time at such location. As such, Mr. Horton respectfully requests that this matter be dismissed by the Board and that the aforementioned anonymous note be expunged from his file.”

Mr. Billingsley stated that this matter was never accepted as a complaint and the Board never acted upon it as a complaint. The intent of the letter from the Board was to inform Mr. Horton that this allegation had been made and to give Mr. Horton a chance to make a statement regarding the allegation.

Mr. Billingsley made a motion that the communication was not clear by the Board and the Board needs to apologize to Mr. Horton and indicate to Mr. Horton that this was not a complaint and that the Board considers the issue completely over with and all communications, as far as the Board is concerned, are not matters of record in Mr. Horton's file or any of the files of the Board, as the minutes of this meeting will so reflect. Phil Carter seconded the motion. The motion carried unanimously.

Mr. Cravens reiterated that neither he nor Mr. Horton is disgruntled with the way that the Board handled this matter.

Scott Ledford, Staff Attorney, then began the complaint review.

Complaint #200312000 -

Max Billingsley made a motion to accept the staff attorney's recommendation to ask for a technical review of the complaint. Phil Carter offered to review the complaint. The complaint is to be held in abeyance until the May 8-9, 2003 meeting. Dave Gilbert seconded the motion. The motion carried unanimously.

Complaint #200211776 – Cuel vs. Crutchfield –

Phil Carter made a motion to dismiss the complaint based on the fact that this appears to be a contractual dispute and the Board cannot "get involved in those kinds of things." The motion was seconded by Dave Gilbert. The motion carried unanimously.

INFORMAL CONFERENCE – Finck vs. Shipley – Complaint #200103677 –

Jeff Shipley, respondent, was present.

Mr. Shipley was previously sent a consent order with a \$1,000.00 civil penalty for practicing without a license. Mr. Shipley agreed to sign the consent order and pay the \$1,000.00 fine.

Complaint #200105865 –

Max Billingsley made a motion to accept the staff attorney's recommended that the complaint be deferred to the May 8-9, 2003 meeting. Phil Carter seconded the motion. The motion carried unanimously.

Complaint #200211017 – Johns vs. Parsons

Max Billingsley made a motion to dismiss this complaint with a letter of warning to the respondent. Phil Carter seconded the motion. The motion carried unanimously.

Complaint #200211775 – Sykes vs. Buntin –

Phil Carter made a motion to accept the staff attorney's recommendation to dismiss this complaint as the respondent was acting in official federal capacity and the Board has no jurisdiction over this matter. Dave Gilbert seconded the motion. The motion carried unanimously.

INFORMAL CONFERENCE – Complaint #200210322 - State Board vs. Ottis Freeland –

Mr. Freeland was present, along with Ron Ashe, Vice President of F & M Surveying.

Mr. Freeland was asked to appear before the Board regarding the plats of Donald Robinson, applicant. Mr. Freeland brought the plats in for the Board to review and discuss. Mr. Freeland's attendance at the meeting was noted as a response to the complaint. Max Billingsley made a motion to dismiss the complaint. Dave Gilbert seconded the motion. The motion carried unanimously.

Complaint #200210323 – TN State Board vs. Younger –

Mr. Younger paid his fine of \$100.00 on February 28, 2003. Max Billingsley made a motion to close the complaint. Dave Gilbert seconded the motion. The motion carried unanimously.

INFORMAL CONFERENCE – Complaint #200206868 – Feingold vs. Wright –

Mr. Wright did not appear for the informal conference. Max Billingsley made a motion to cite Mr. Wright for a Formal Hearing and Charges. Phil Carter seconded the motion. The motion carried unanimously.

INFORMAL CONFERENCE – Complaint #200207892 – Elmore vs. Biggs –

Glenn F. Biggs, Jr. and Jesse Walker, TLS #1486, a licensed surveyor whom Mr. Biggs claims supervises Mr. Biggs' work, were present.

This is a case of unlicensed practice, whereby Mr. Biggs is practicing without a license. Mr. Biggs seems to think that he is being properly supervised, as he has

Jesse Walker, TLS #1486, coming to Knoxville, TN from Nashville, TN once a week to review Biggs' work.

Max Billingsley made a motion to issue a Cease & Desist letter to Development Technology, Mr. Biggs' firm, in Knoxville, TN. Phil Carter seconded the motion. The motion carried unanimously.

Phil Carter then made a motion to issue Mr. Biggs a Consent Order and a fine of \$500.00. Dave Gilbert seconded the motion. The motion carried unanimously.

INFORMAL CONFERENCE – Complaint #200209177 – TN State Board vs. Cannon –

Mr. Cannon did not appear before the Board as requested.

Max Billingsley made a motion to cite Mr. Cannon with a Notice of Hearing and Formal Charges for 53 counts of unlicensed practice. Dave Gilbert seconded the motion. The motion carried unanimously.

The next meeting will be held on July 1-2, 2003

There being no further business, the meeting adjourned at 5:05 p.m.

FRIDAY, APRIL 11, 2003 –

Those present were: K. Max Billingsley, Chairman; Phillip R. Carter, Board Member; Dave B. Gilbert, Public Board Member; Donna Moulder, Administrative Director for the Board; and Carol Kennedy, Administrative Assistant for the Board.

Chairman Billingsley called the meeting to order at 9:05 a.m.

The minutes of the previous meeting were reviewed. Phil Carter made a motion to accept the minutes as amended. Dave Gilbert seconded the motion. The motion carried unanimously.

The Board then discussed the derogatory information regarding the Tennessee Board of Examiners for Land Surveyors that was placed on the internet by Steve Deaton, an applicant whose application was denied. A printed copy of the information is included in these minutes.

Marc Hays, an applicant whose application was denied, requested a meeting with the Board to discuss the denial of his application. Mr. Billingsley explained

to Mr. Hays that his application was denied due to an oversight on the part of the Board. The Board will discuss this matter with the staff attorney to see if Mr. Hays can be allowed to take the exam under the current law as he does not qualify for licensure under the new law as it goes into effect July 1, 2003.

There being no further business, the meeting was adjourned at 1:00 p.m.

Respectfully submitted,

Donna Moulder
Administrative Director

K. Max Billingsley, Chairman

Phillip R. Carter

Marshall H. (Pete) Ragan

Dave B. Gilbert